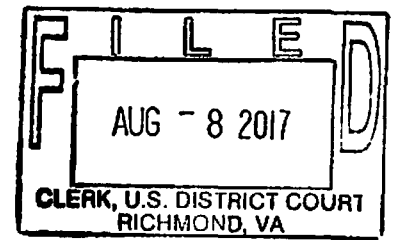


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JERMAINE KEITH WALKER,)
)
Plaintiff,)
)
v.)
)
FAITH ELIZABETH BASKER, *et al.*,)
)
Defendants.)

Civil Action No. 3:17CV19-HEH

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

Plaintiff, a former Virginia inmate proceeding *pro se*, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Plaintiff's current allegations fail to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Accordingly, by Memorandum Order entered on May 10, 2017, the Court directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. The Court provided Plaintiff with specific instructions as to the form and content of the particularized complaint. The Court warned Plaintiff that the failure to submit the

particularized complaint in accordance with the Court's directions would result in the dismissal of the action.


Additionally, Plaintiff had not paid the filing fee or obtained leave to proceed *in forma pauperis*. By Memorandum Order entered on May 10, 2017, the Court sent Plaintiff an appropriate *in forma pauperis* affidavit. The Court directed Plaintiff to complete and return the *in forma pauperis* affidavit or pay the full filing fee within fourteen (14) days of the date of entry thereof.

On June 20, 2017, the Court granted Plaintiff an extension of eleven (11) days from the date of entry thereof to comply with the terms of the May 10, 2017 Memorandum Order.

Plaintiff has not complied with the June 20, 2017 Memorandum Order. Plaintiff did not complete and return the *in forma pauperis* affidavit sent to him by the Court. Additionally, Plaintiff did not submit a particularized complaint in conformance with the Court's directions. Instead, Plaintiff submitted an incomprehensible document and a request for an evidentiary hearing. Accordingly, the action will be dismissed without prejudice.

An appropriate Order will accompany this Memorandum Opinion.

Date: Aug 7, 2017
Richmond, Virginia

 /s/

HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE